

OCT 12 2016

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

VICTORIA DIVISION

UNITED STATES OF AMERICA

v.

RAMON DE LA CRUZ

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CRIMINAL NO. V-16-MJ-64

MOTION FOR STAY OF RELEASE OF DEFENDANT PENDING  
REVIEW OF ORDER OF RELEASE PURSUANT TO 18 U.S.C. § 3145(a)(1)

COMES NOW, the United States of America, by and through Kenneth Magidson, the United States Attorney for the Southern District of Texas, and Patti Hubert Booth, Assistant United States Attorney, and files this **Motion for Stay of Release of Defendant Pending Review of Order of Release pursuant to 18 U.S.C. § 3145(a)(1)**.

I.

On October 12, 2016, a detention hearing was held in the Southern District of Texas, Corpus Christi Division. After an evidentiary hearing, United States Magistrate Jason B. Libby, granted the defendant bond in this case.

II.

The government will file a **Motion for Review and Revocation of Order of Release pursuant to 18 U.S.C. § 3145(a)(1) by October 17, 2016**.

III.

The review by the district judge of an order of release is de novo. *United States v. Fortna*, 769 F.2d 243, 249 (5<sup>th</sup> Cir. 1985), *United States v. Delker*, 757 F.2d 1390, 1394 (3d Cir. 1985)

citing *United States v. Thibodeaux*, 663 F.2d 520 (5<sup>th</sup> Cir. 1981). The continued detention of a defendant pending review of a magistrate judge's pretrial order is proper. *United States v. Huckabay*, 707 F.Supp. 35, 37 (D.Me 1989). Since the government is afforded a de novo review on this issue, the government respectfully moves the Court to grant a stay of the order of release.

DATED this 12<sup>th</sup> day of October 12, 2016.

Respectfully submitted,

KENNETH MAGIDSON  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE AND CONSULTATION

I, Patti Hubert Booth, Assistant United States Attorney, hereby certify that I have contact Mr. G. Allen Ramirez, attorney for the defendant, Ramon DeLaCruz, concerning this Motion For Stay of Release of Defendant and Mr. Ramirez is opposed. Additionally, I hereby certify that a true and correct copy of the foregoing Motion For Stay of Release Of Defendant and the proposed Order have been delivered to Mr. Ramirez on this 12<sup>th</sup> day of October, 2016.

Patti Hubert Booth  
PATTI HUBERT BOOTH  
Assistant United States Attorney